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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,396	12/01/2003	Thomas Marotzke	076326-0256	9999

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EXAMINER

ILAN, RUTH

ART UNIT PAPER NUMBER

3616

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,396

Applicant(s)

MAROTZKE, THOMAS

Examiner

Ruth Ilan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/1/03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Election/Restrictions

2. Applicant's election without traverse of Species I, Figures 1-5 in the reply filed on 9/20/04 is acknowledged. The Applicant asserts that claims 1-7 and 10-26 read on the elected species. The Examiner respectfully disagrees. Although the Examiner originally indicated that claim 7 was generic, upon further review of the specification, it is her opinion that claim 7 reads on the embodiment disclosed in Figure 6. Claims 7-10 are withdrawn from consideration.

Claim Objections

3. Claims 20 and 21 are objected to because of the following informalities: In claim 21, "claims 19" should be "of claim 19". Claim 20, line 1, after "wherein", "the" should be inserted.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6, and 10-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, line 8, "the base part" lacks antecedent basis. The examiner suggests deleting "part". In claim 4, line 1-2, "the orifice

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located opposite the base part” lacks antecedent basis in the claim. The Examiner suggests changing this phrase to “the orifice is located opposite the base part and” . Claim 10 recites “part of its end facing the base”. This limitation lacks antecedent basis.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-4, 11-14 and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lutz (US 6,126,195.) Lutz teaches an air bag module including a generator carrier that has a base with a boundary wall (21) and which together with a separate cap assembly (5) forms a receptacle for a folded gas bag (7). At least one portion of the boundary wall is pivotally connected to the base (at 27) so that the boundary wall can pivot and create a free space. The orifice defines a main deployment direction and the additional free space formed by the pivoting walls is in a direction perpendicular to the main direction. Regarding claims 11-13, the pivotal wall portion is configured to pivot as a result of the cover opening during deployment and as a result of forces from the air bag (see col. 3, lines 55-57.) There are means to counteract the pivoting of the wall portion (unbroken constriction in the cap (11)). There are two pivotal wall portions opposite each other.

Claims 1-6, 10-14, 18, and 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lang (US 6,364,345 B1.) Lang teaches an air bag module including a gas generator

carrier that includes a base (12,14) for fastening a gas generator and the carrier includes at least one boundary wall (20) that projects from the base. Regarding the limitation "integrally formed in one piece on the base" Because the boundary wall is connected to the base it is formed in one piece and integral. Integral is sufficiently broad to embrace constructions united by such means as fastening and welding. *In re Hotte* (CCPA) 177 USPQ 326. The boundary wall and the base form a receptacle for the folded air bag. The orifice defines a main deployment direction and the additional free space formed by the pivoting walls is in a direction perpendicular to the main direction. As seen in Figure 7, the module includes a single continuous boundary wall (12), which has a bowl shaped design, at least in profile. Regarding claim 10, the area of the hinge between 30 and 20 is a slot. Regarding claims 11-13, the cover is opened by the deploying air bag, and the cover causes the walls to pivot, so the walls pivot as a result of the air bag deployment. Regarding claims 14 and 18, Lang teaches embodiments that include means to counteract pivoting (see Figures 16-18, elements 60, 66, 72 for instance.) Regarding claim 22, there is a slot between walls 14 and 20 (see Figure 6.) Regarding claims 21 and 22, there are two pivotal wall portions (20) opposite each other.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lutz in view of Cok et al. (US 4,903,986.) Lutz is discussed above, and because only a side view of the module is shown, fails to the means for counteracting that connects a pivotal wall portion to a second wall portion, and that the means is integrated into the wall portion and is a perforated region. Cok et al. (Figure 7) teaches that it is known to connect two wall portions together by a perforation so that one wall will pivot when the pressure from the deployed air bag is high enough. It would have been obvious to one having ordinary skill in the art to include such a perforated region, as taught by Cok et al. with the module of Lutz, in order to insure that the pivotal walls open at the appropriate pressure.

Allowable Subject Matter

10. Claims 19-21 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

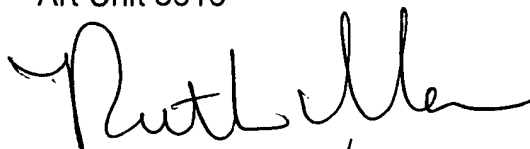
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kondo et al. and Schneider et al. teach an air bag module of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth Ilan whose telephone number is 703-306-5956. The examiner can normally be reached on Monday-Friday, 8:30-5:00. If attempts to

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reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 703-308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth Ilan
Primary Examiner
Art Unit 3616



2/7/05

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